UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

BRENDA BOUGHTER,

Plaintiff,

vs.

Vs.

OPINION & ORDER
[Resolving Doc. 1]

CAROLYN W. COLVIN,
Acting Commissioner of Social Security

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant.

On July 24, 2012, Plaintiff Brenda Boughter applied for Period of Disability and Disability Insurance Benefits under Title II of the Social Security Act.¹ After her application was denied, Boughter requested that an Administrative Law Judge (ALJ) evaluate her application.²

On August 12, 2014, the ALJ determined that Plaintiff Boughter was not disabled within the meanings of the Social Security Act.³ The Appeals Council denied Boughter's request for review.⁴

On March 24, 2016, Plaintiff Boughter filed this complaint for wrongful denial of disability insurance benefits.⁵ Consistent with Local Rule 72.2, the Court referred the matter to Magistrate Judge Jonathan D. Greenberg. On December 12, 2016, Magistrate Judge Greenberg issued a Report and Recommendation, finding the ALJ's determination was not supported by

¹ Doc. 9 at 23; see 42 U.S.C. §§ 416(i), 423 et seq.

² *Id.* at 114-22.

³ *Id.* at 23-35.

⁴ *Id*. at 1-6.

⁵ Doc. <u>1</u>.

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substantial evidence and recommending that this Court vacate the Commissioner's denial of

disability benefits and remand the case back to the ALJ for further proceedings.⁶

Specifically, Magistrate Judge Greenberg found that the ALJ failed to set forth "good

reasons" for discounting the opinion of Boughter's treating physician in favor of opinions from

non-treating physicians. On December 27, 2016, the Social Security Commissioner filed notice

that the Social Security Commissioner would not object to Magistrate Judge Greenberg's report

and recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of

those portions of a Report and Recommendation to which the parties have made an objection.⁸

The Commissioner of Social Security declined to file any objections in this case.⁹

Absent objection, a district court may adopt the magistrate judge's report without

review. 10 Moreover, having conducted its own review of the parties' briefs in this case, the Court

agrees with the conclusions of Magistrate Judge Greenberg.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Greenberg's findings of fact

and conclusions of law and incorporates them fully herein by reference. The Court thus

VACATES the Commissioner's denial of benefits and REMANDS this case to the

Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: January 10, 2017

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

⁶ Doc. <u>16</u>.

⁷ *Id.* at 33-41.

⁸ 28 U.S.C. § 636(b)(1)(C).

⁹ Doc. 17.

¹⁰ Thomas v. Arn, 474 U.S. 140, 149 (1985).

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